

REMARKS

Claims 1-6, 8-37, 39-43, 45-49, 51 and 52 are all the claims pending in the application.

Claims 19-33, 35-37, 43, 45-48, 51 and 52 are withdrawn from consideration as being drawn to a non-elected invention.

Claims 1, 17, 34, and 49 are the only independent claims that have been examined.

Status Identifiers

Applicant thanks the Examiner for examining the claims even though claim 1 included an incorrect status identifier. A complete listing of all pending claims with proper status identifiers is included with this response.

Claim 49

An initial matter, the Examiner has not rejected claim 49. Thus, Applicant requests the Examiner to indicate that claim 49 is allowed.

Although the Examiner asserts in the response to arguments section that in LaDue “a received message would be displayed as it is received, and thus dependent on the transmitting device to send the freehand drawn message in an image format,” Applicant is unsure how this relates to claim 49, which recites a communication device including a first conversion device operable to convert said message into a freehand drawn message, *wherein said message received by said receiving portion is a standard SMS message*. That is, an SMS message received by LaDue’s device would not be converted to a freehand message, but would instead be displayed as text with some standard font.

Claim Rejection Under 35 U.S.C. § 102

Claims 17, 18, 34, 39-42 and 46 are rejected under 35 U.S.C. § 102(e) as being anticipated by LaDue (2002/0133423).

Claims 17 and 18

Applicant respectfully traverses the rejection of independent claim 17 at least because LaDue does not disclose all of the claim's recitations. For example, LaDue does not disclose the claimed communication device including a buffering device operable to communicate with a master microprocessor and a slave microprocessor, wherein the buffering device is further operable to receive standard SMS messages input using a keypad on the communication device and free-hand created messages input using a free-hand compatible data entry device.

The Examiner appears to assert that LaDue includes a buffering device that receives messages using a virtual cellular phone key pad 367a and "graffiti writing and alpha-numeric" screen 368.¹ However, LaDue's virtual cellular phone key pad 367a is merely a portion of the PDA screen 367 and it not an actual keypad.

Thus, Applicant respectfully requests the Examiner to withdraw the rejection of claim 17.

Applicant also respectfully requests the Examiner to withdraw the rejection of claim 18 at least because of its dependency from claim 17.

Claims 34, 39, 40, 41, 42, and 46

Applicant also respectfully traverses the rejection of independent claim 34 at least because LaDue does not disclose all of the claim's recitations. For example, LaDue does not disclose the claimed communication device including a first conversion device operable to

¹ See LaDue at FIG. 23.

convert said free-hand drawn message into a message of a different format; and a quantizer operable to divide said free-hand drawn message into a plurality of sub messages. For example, the original specification discloses an exemplary embodiment in which a complete free-hand drawn SMS message may have been cut, or quantized, into smaller discrete messages, i.e., each having 160 characters.²

The Examiner asserts that LaDue generally discloses the division of messages into packets. However, LaDue provides no disclosure regarding dividing free-hand drawn messages that are converted into a different format into sub messages.

Thus, Applicant respectfully requests the Examiner to withdraw the rejection of claim 34.

Applicant also respectfully requests the Examiner to withdraw the rejection of claims 39, 40, 41, 42, and 46 at least because of their dependency from claim 34.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-6 and 8-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over LaDue (2002/0133423) in view of Boss et al. (2002/0115446).

Claim 1

With respect to claim 1, Applicant respectfully requests the Examiner to withdraw the rejection at least because Boss is not prior art. That is, Boss' U.S. filing date is **February 20, 2001**. However, Applicant's previously filed declaration has established that the invention was

² See Original Specification at page 26, lines 14-24.

conceived in **January 2001** and was diligently reduced to practice by the provisional application filing on April 27, 2001.³

In addition, Applicant submits that the communication device of claim 1 would not have been obvious in view of LaDue and Boss. LaDue speaks of general encoding of data into voice frames that will be used by many technologies that are not only GSM, such as CDMA etc. Therefore, using SIM BUS, as in LaDue, is not enough for one of ordinary skill to conclude that SMS format will be used as well as by using SIM TOOLKIT commands. On the contrary, the encoding is into VOICE format even when SMS should be sent. LaDue even says that in such a way he will achieve interoperability between different cellular technologies as far as sending SMS messaging between them is concerned.

Boss's invention speaks of SMS format but even then Boss does not disclose CONCATINATED SMS messages, which were invented only later and called ENHANCED SMS (EMS). So, in addition to the fact that Boss is not prior art, Boss fails to provide the critical factor for free hand drawn information to be delivered - the need for more than one SMS message. There is simply more data to be sent (in every free hand message) than one SMS message can handle.

Thus, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1.

Applicant also respectfully requests the Examiner to withdraw the rejection of claims 2-6 and 8-16 at least because of their dependency from claim 1.

³ See Declaration Under 37 C.F.R. § 1.131 submitted on June 27, 2006 at page 2, paragraph 5.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/John M. Bird/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

John M. Bird
Registration No. 46,027

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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